Registered No. M-

[PRICE, 6 pies.

THE FORT ST. GEORGE GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 37] MADRAS, MONDAY, OCTOBER 30, 1939

PUBLIC DEPARTMENT.

(Elections.)

Madras Legislative Assembly and Madras Legislative Council—Fourth Session—Prorogation.

Fort St. George, October 29, 1939

[G.O. Ms. No. 1849, Public (Elections).]

No. 95

In exercise of the powers conferred by clause (b) of sub-section (2) of section 62 of the Government of India Act, 1935, I, John Francis Ashley Erskine, Lord Erskine, Governor of Madras, hereby prorogue the session of the Madras Legislative Assembly and the session of the Madras Legislative Council with effect on and from the 29th October 1939.

(By order of His Excellency the Governor)

R. M. HOOD,
Chief Secretary.

OFFICE OF THE SECRETARY TO HIS EXCELLENCY THE GOVERNOR OF MADRAS.

Proclamation under Section 93 of the Government of India Act, 1935.

Government House, Madras, the 30th October 1939.

No 17.

The following Proclamation by His Excellency the Governor dated the 30th day of October 1939 is published for general information:—

PROCLAMATION.

WHEREAS the Governor of the Province of Madras is satisfied that a situation has arisen in which the government of the Province cannot be carried on in accordance with the provisions of the Government of India Act, 1935 (hereinafter referred to as "The Act");

NOW, THEREFORE, in the exercise of the powers conferred by Section 93 of the Act and with the concurrence of the Governor-General, the Governor by this Proclamation:—

(a) declares that all his functions under the Act shall be exercised by him in his discretion;

(b) assumes to himself all powers vested by or under the Act in the Provincial Legislature and all powers vested in either Chamber of that Legislature but does not by this power exercisable by His Majesty with respect to Bills reserved for the consideration or the disallowance of Acts;

and he hereby makes the following incidental or consequential provisions which appear to him to be necessary or desirable for giving effect to the objects of this Proclamation, namely—

(1) The operation of the following provisions of the Act is hereby suspended, namely, Sections 50 and 51, Section 59, so far as it relates to or requires consultation with Ministers, Sections 62 to 67 (both inclusive) and 70 to 78 (both inclusive), the proviso to sub-section (1) of section 76, sub-sections (1) and (2) of Section 78 and so much of sub-section (3) thereof as relates to salaries and allowances of Ministers, Sections 79 to 82 (both inclusive), so much of sub-section (1) of Section 93 as relates to the passing of a Resolution by the Provincial Legislative Assembly; sub-section (2) of Section 93, Sections 94 to 99 (both inclusive) and so much of Section 108 as relates to the laying of reports before the Provincial Legislature;

(2) In exercising legislative powers under or by virtue of this Proclamation, the Governor, acting in his discretion, shall prepare such Bills as he deems necessary, and declare as respects any Bill so prepared either that he assents thereto in His Majesty's name, or that he withholds assent therefrom, or that he reserves it for the consideration of the Governor-General; and the reference in sub-section (2) of Section 76 to the day on which a Bill was presented to the Governor shall be construed as a reference to the day on which a Bill was so reserved by him;

(3) Any expenditure from the revenues of the Province, whether expenditure charged by the Act on those revenues or not, shall be deemed to have been duly authorised if it is included in an annual estimate of expenditure or a supplementary estimate of expenditure published in the official gazette of the Province;

(4) While this Proclamation is in force it shall, notwithstanding anything in any rules made under the Act relating to elections, be unnecessary for an election to be held for the purpose of filling any casual vacancy in (either Chamber of) the Provincial Legislature;

(5) Any reference in the Act to Provincial Acts, Provincial Laws, or Acts or laws of a Provincial Legislature shall be construed as including a reference to Acts made under or by virtue of this Proclamation, and the Madras General Clauses Act, 1891 and so much of the General Clauses Act, 1897 as applies to Provincial Laws, shall have effect in relation to any such Act as if it were an Act of the Provincial Legislature.

T. G. RUTHERFORD,
Secretary to the Governor of Madras.

MADRAS: PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS.